Doc 70 Case 18-10948-TPA Filed 04/16/21 Entered 04/17/21 00:41:51

Certificate of Notice Page 1 of 5

U.S. BANKRUPTCY **COURT - WDPA**

IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

X

1.

Bankruptcy Case No. 18-10948 TPA THERESA J. FULLERTON

Chapter 13

For the remainder of the Plan term, the periodic Plan payment is to be \$4640.00 as of 4/21. Debtor(s)

Debtor

PLAN CONFIRMATION ORDER

the Chapter 13 Trustee shall pay administrative, secured and priority creditors identified in the Plan. General unsecured creditors will not receive distributions at least until the government bar date has passed and the Chapter 13 Trustee has submitted a <i>Notice of Intention to Pay Claims</i> to the Court. Confirmation of this Plan pursuant to this Order is without prejudice to reconsideration following a status conference held by the Chapter 13 Trustee to gauge the progress of Plan implementation which <i>Status Conference</i> is scheduled for N/A <i>remotely by the Trustee via Zoom, how to participate goto www.ch13pitt.com, meetings@chapter13trusteewdpa.com,</i> (which may, upon agreement of the Parties, be continued from time to time <i>provided however</i> that following the 3rd continuance, the matter shall be set for hearing before the Court, following which time the Plan may be modified to the satisfaction of all Parties after notice and hearing before the Court, or the status conference may be marked closed by the Chapter 13 Trustee.	It is hereby ORDERED that with the consent of the Debtor(s), the Chapter 13 Plan dated March 2, 2021, excess modified herein as checked below, is CONFIRMED in accord with 11 USC 1325. On the effective date of this Order
submitted a <i>Notice of Intention to Pay Claims</i> to the Court. Confirmation of this Plan pursuant to this Order is withou prejudice to reconsideration following a status conference held by the Chapter 13 Trustee to gauge the progress of Plan implementation which <i>Status Conference</i> is scheduled for N/A <i>remotely by the Trustee via Zoom, how to participate goto www.ch13pitt.com, meetings@chapter13trusteewdpa.com,</i> (which may, upon agreement of the Parties, be continued from time to time <i>provided however</i> that following the 3rd continuance, the matter shall be set for hearing before the Court), following which time the Plan may be modified to the satisfaction of all Parties after notice and	he Chapter 13 Trustee shall pay administrative, secured and priority creditors identified in the Plan. General unsecure
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	couns Order	el shall file a motion to amend the income attachment order within seven (7) days of the date of this.					
		The length of the Plan is increased to a total of months. This statement of duration of the Plan is approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total ngth of the Plan shall not exceed sixty (60) months.					
	credit	shall be paid monthly payments of \$ beginning with the ee's distribution and continuing for the duration of the plan term, to be applied by that or to its administrative claim, budget payments and/or security deposit. These payments shall be at the distribution level.					
X	4. as oth	The claims of the following creditors shall govern as to amount, classification and rate of interest (or serwise noted), unless the Debtor(s) successfully objects to the claim: Claimant: JP Morgan Claim #: 9 With payment changes implemented Claimant: Thomas Horvath Claim #: 7-2 as pay in full					
X	5.	Additional Terms: (a) No payment to Credit Acceptance (Clm 1) as collateral surrendered (b) Nationstar Mortgage (Clm 6) plus petition arrears to be paid \$2998.10 per stipulated order of 1-28-21 (Doc. 59)					
X	6.	The Confirmation Order dated May 8, 2020, Doc. 44 is <i>VACATED</i> .					

В IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

Objections to the Plan: This Order is effective as of the date indicated below. Pursuant to Fed.R.Bankr.P. 2002(b)(3), any party in interest with an objection to any provision of this Confirmation Order must file a written objection within the twenty-eight (28) day period following entry of this Order. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this Confirmed Plan. The Trustee may only disburse funds pursuant to this Confirmation Order upon expiration of the foregoing twenty-eight (28) day period.

- 2. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.
- 3. Review of Claims Docket and Objections to Claims. Pursuant to $LBR\ 3021-1(c)(2)$, the Debtor or Debtor's attorney, if represented, shall review all proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely..
- **4. Motions or Complaints Pursuant to §§506, 507, or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to 11 U.S.C. §§506, 507 and 522 shall be filed within ninety (90) days after the claims bar date.
- 5. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the Plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

C IT IS FURTHER ORDERED THAT:

- 1. Plan terms are subject to the resolution of: timely but yet to be filed claims including government claims; all actions to determine the avoidability, priority or extent of liens, including determination of the allowed amount of secured claims under 11 U.S.C. \$506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. \$507, and all objections to claims.
- 2. Following payment of allowed secured and priority claims, the allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- 3. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to 11 U.S.C. \$1322(b)(2), nothing in this Order shall be construed to change the payment terms established in the Plan.
- **4.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).
- 5. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' Counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.
- **6.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.
- 7. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising preconfirmation defaults in any subsequent motion to dismiss.

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8. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to day creditor on account of any secured claim that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated:

April 14, 2021

Thomas P. Agresti

United States Bankruptcy Judge

cc: All Parties in interest to be served by Clerk in seven (7) days

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United States Bankruptcy Court Western District of Pennsylvania

In re: Case No. 18-10948-TPA
Theresa J. Fullerton Chapter 13

Debtor

CERTIFICATE OF NOTICE

District/off: 0315-1 User: dpas Page 1 of 2
Date Rcvd: Apr 14, 2021 Form ID: pdf900 Total Noticed: 25

The following symbols are used throughout this certificate:

Symbol Definition

+ Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 16, 2021:

Recip ID db	+	Recipient Name and Address Theresa J. Fullerton, 2078 Route 97, Waterford, PA 16441-9642
cr		J.P. Morgan Mortgage Acquisition Corp. c/o Rushmor, 15480 Laguna Canyon Road, Suite 100, Irvine, CA 92618-2132
14917012	+	Bayview Financial Loan, Attn: Bankruptcy Dept, 4425 Ponce De Leon Blvd. 5th Floor, Coral Gables, FL 33146-1873
14917016	+	Erie County Tax Claim Bureau, Erie County Courthouse, 140 West Sixth Street, Erie, PA 16501-1011
14955407	+	J.P. Morgan Mortgage Acquisition Corp., c/o Rushmore Loan Management Service, P.O. Box 55004, Irvine, CA 92619-5004
14955386	+	J.P. Morgan Mortgage Acquisition Trust, c/o Rushmore Loan Management Services, P.O. Box 55004, Irvine, CA 92619-5004
14917017	+	Marquette Savings, 920 Peach St, Erie, PA 16501-1486
14917018	+	Mr. Cooper, Attn: Bankruptcy, 8950 Cypress Waters Blvd, Coppell, TX 75019-4620
14927586	+	Nationstar Mortgage LLC d/b/a Mr. Cooper, P.O. Box 619096, Dallas, TX 75261-9096
14917019	+	PNC Bank, PNC Plaza, 301 Fayetteville St SUite 1100, Raleigh, NC 27601-2170
14917022	+	Thomas Horvath, 4858 North Wayside Drive, Erie, PA 16505-1358
14917023	+	Trident Asset Management, Attn: Bankruptcy, Po Box 888424, Atlanta, GA 30356-0424
14955789	+	William H. Stafford & Rebecca H. Stafford, 4060 Ponderosa Dr., Edinboro, PA 16412-1460
14917024		William Stafford, 2060 Ponderosa Dr., Edinboro, PA 16412

TOTAL: 14

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Standard Time.						
Recip ID		Notice Type: Email Address Email/Text: ebnnotifications@creditacceptance.com	Date/Time	Recipient Name and Address		
Ci		Email/Text. comotifications@creditacceptance.com	Apr 15 2021 03:25:00	Credit Acceptance Corporation, 25505 W. 12 Mile Road, Suite 3000, Southfield, MI 48034-8331		
14917011	+	Email/Text: EBNProcessing@afni.com	Apr 15 2021 04:04:00	Afni, Inc., Attn: Bankruptcy, Po Box 3427, Bloomington, IL 61702-3427		
14917013		Email/Text: Bankruptcy.RI@Citizensbank.com	Apr 15 2021 03:25:00	Citiznsbnkna, Attn: Bankruptcy Department, One Citizens Plaza, Providence, RI 02903		
14917014		Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.CO	M			
11)17011		Eliman Form Bive ribbin wede Quinview Socioon.	Apr 15 2021 03:26:00	Comenity/Fashion Bug, Attn: Bankrutptcy Dept, Po Box 18215, Columbus, OH 43218		
14917015	+	Email/Text: ebnnotifications@creditacceptance.com	Apr 15 2021 03:25:00	Credit Acceptance, 25505 West 12 Mile Rd, Suite 3000, Southfield, MI 48034-8331		
14917009	+	Email/Text: sbse.cio.bnc.mail@irs.gov	Apr 15 2021 03:26:00	Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346		
14917794 + Email/PDF: PRA BK2 CASE UPDATE@portfoliorecovery.com						
			Apr 15 2021 03:44:54	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021		
14917010	+	Email/Text: RVSVCBICNOTICE1@state.pa.us	Apr 15 2021 03:26:00	Pennsylvania Department of Revenue, Department 280946, Harrisburg, PA 17128-0001		
14917020	+	Email/PDF: gecsedi@recoverycorp.com	Apr 15 2021 03:44:11	Syncb/care Credit, Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060		
14954750	+	Email/PDF: gecsedi@recoverycorp.com	Apr 15 2021 03:44:14	Synchrony Bank, c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021		
14917021	_	Email/PDF: gecsedi@recoverycorp.com		200.11 1021		
17/1/021	+	Emain Di. geesette recoverycorp.com	Apr 15 2021 03:55:40	Synchrony Bank/Sams, Attn: Bankruptcy, Po Box		

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District/off: 0315-1 User: dpas Page 2 of 2

Date Rcvd: Apr 14, 2021 Form ID: pdf900 Total Noticed: 25

965060, Orlando, FL 32896-5060

TOTAL: 11

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID Bypass Reason Name and Address

cr Nationstar Mortgage LLC d/b/a Mr. Cooper

cr *+ PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTAL: 1 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 16, 2021 Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 14, 2021 at the address(es) listed below:

Name Email Address

Brian Nicholas

on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper bnicholas@kmllawgroup.com

Chandra Marie Arkema

on behalf of Creditor J.P. Morgan Mortgage Acquisition Corp. c/o Rushmore Loan Management Services LLC

tuhawkeye@msn.com carkema@squirelaw.com

Jeffrey G. Herman

on behalf of Debtor Theresa J. Fullerton JeffreyHerman@Live.com

sebaldher man calendar @gmail.com; attorney jeffreyher man @gmail.com; r59802 @notify.best case.com, attorney it with attorn

Maria Miksich

on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper mmiksich@kmllawgroup.com

Office of the United States Trustee

ustpregion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteewdpa.com

William E. Craig

on behalf of Creditor Credit Acceptance Corporation ecfmail@mortoncraig.com

mhazlett@mortoncraig.com;mortoncraigecf@gmail.com

TOTAL: 7